

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

WILLIAM VERRINDER,	:	No. 4:CV 06-cv-508
	:	
Plaintiff,	:	Judge Jones
	:	
v.	:	
	:	
RITE AID CORPORATION,	:	
	:	
Defendant	:	

ORDER

May 10, 2006

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

On April 24, 2006, Plaintiff William Verrinder filed an amended complaint (doc. 12) with this Court, without leave of court or by written consent of the adverse party, as required by Fed. R. Civ. P. 15(a).¹ Therefore, in conformity with the rules, we shall require the Plaintiff to file a motion with this Court for leave to file an amended complaint.

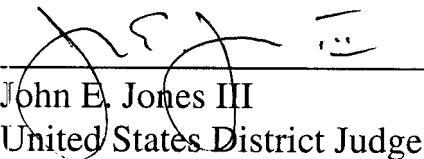
Also, a review of the docket indicates that the Defendant filed a Motion to Dismiss (doc. 5) on March 31, 2006, which has been fully briefed by the parties.

¹ Fed. R. Civ. P. 15(a) allows a party to amend the party's pleading once as a matter of course at any time before a responsive pleading is served. Otherwise, a party may amend the party's pleading only by leave of court or by written consent of the adverse party. In this action, the Defendant filed a motion to dismiss the complaint (doc. 5) prior to the filing of the amended complaint.

In apparent response to the filing of the amended complaint, the Defendant filed a Motion to Dismiss Amended Complaint (doc. 14) on May 8, 2006. In light of the fact that we have not granted the Plaintiff leave to file an amended complaint at this point, we shall strike the Motion to Dismiss Amended Complaint (doc. 14) from the docket. If leave to file an amended complaint is granted by the Court, the Defendant may, at that time, re-file the stricken motion.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Plaintiff shall file a motion for leave to file an amended complaint, with the proposed amended complaint attached as exhibit, within ten (10) days of the entry of this Order.
2. The Plaintiff shall file a brief in support of the motion for leave to file an amended complaint within ten (10) days of its filing.
3. The Defendant shall not be required to file a responsive brief to the motion for leave to file an amended complaint.
4. The Clerk shall strike the amended complaint (doc. 12) and the Motion to Dismiss Amended Complaint (doc. 14) from the docket.



John E. Jones III
United States District Judge